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ARGUMENT
OF
HON. DANIEL W. VOORHEES,
OF TERRE HAUTE, INDIANA.
DELIVERED AT
CHARLESTOWN, VIRGINIA, NOV. 8, 1859,
IN
DEFENSE OF JOHN E. COOK,
INDICTED FOR TREASON, MURDER, AND INCITING
SLAVES TO REBEL AT THE HARPER'S
FERRY INSURRECTION.

WITH THE PERMISSION OF THE COURT—

Gentlemen of the Jury: The place I occupy in standing before you at this time is one clothed with a responsibility as weighty and as delicate as was ever assigned to an advocate in behalf of an unfortunate fellow-man.—No language that I can employ could give any additional force to the circumstances by which I am surrounded, and which press so heavily on the public mind as well as on my own. I come, too, as a stranger to each one of you. Your faces I know only to the common image we bear to our Maker; but, in your exalted character of citizens of the ancient Commonwealth of Virginia, and of the American Union, I bear to you a passport of friendship and a letter of introduction.

[After recapitulating the main facts of Cook's participation in the invasion, his past history, his subordination to John Brown, &c., Mr. Voorhees proceeds:

But, gentlemen, in estimating the magnitude of this young man's guilt, there is one fact which is proven in his behalf by the current history of the day which you cannot fail to consider: Shall John E. Cook perish, and the real criminals, who for twenty years have taught the principles on which he acted, hear no voice from this spot? Shall no mark be placed on them? Shall this occasion pass away, and the prime felons who attacked your soil and murdered your citizens at Harper's Ferry escape? The indictment before us says that the prisoner was seduced by the false and malignant counsels of other traitorous persons. Never was a sentence written more just and true. "False and malignant counsels" have

been dropping for years, as deadly and blighting as the poison of the Bohun Upas tree, from the tongues of evil and traitorous persons in that section of the Union to which the prisoner belongs. They have seduced not only his mind, but many others, honest and misguided like him, to regard the crime at Harper's Ferry as no crime; your rights as unmitigated wrongs, and the constitution of the country as a league with hell and a covenant with death. On the skirts of the leaders of abolition fanaticism in the North's every drop of blood shed in the conflict at Harper's Ferry; on their souls rests the crime of murder for every life there lost; and all the waters of the ocean could not wash the stains of slaughter from their treacherous and guilty hands.

A noted Boston abolitionist, (Wendell Phillips) a few days ago, at Brooklyn, New York, in the presence of thousands, speaking of this tragic occurrence, says: "It is the natural result of anti-slavery teaching. For one, I accept it. I expected it" I, too, accept it in the same light, and so will the country. Those who taught and not those who believed and acted, are the men of crime in the sight of God. And to guard other young men, so far as in my power, from the fatal snare which has been tightened around the hopes and destiny of John E. Cook, and to show who are fully responsible for his conduct, I intend to link with this trial the names of wiser and older men than he; and, if he is to be punished and consigned to a wretched doom, they shall stand beside him in the public stocks; they shall be pilloried forever in public shame, as the evil traitorous persons who seduced him to his ruin by their false and malignant counsels.

The chief of these men, the leader of a great party, a Senator of long standing, has announced to the country that there is a higher law than the constitution, which guarantees to each man the full exercise of his own inclination. The prisoner before you has simply acted on the law of Wm. H. Seward, and not the law of his fathers. He has followed the Mahomet of an incendiary faith. Come forth, ye sages of abolitionism, who now cower and skulk under hasty denials of your complicity with the bloody result of your wicked and unholy doctrines, and take your places on the witness stand. Tell the world why this thing has happened. Tell this jury why they are trying John E. Cook for his life. You advised his conduct, and taught him that he was doing right. You taught him a higher law and then pointed out to him the field of action. Let facts be submitted. Mr. Seward in speaking of slavery says: "It can and must be abolished, and you and I must do it." What worse did the prisoner attempt? Again, he said, upon this same subject: "Circumstances determine possibilities." And doubtless the circumstances with which John Brown had connected his plans made them possible in his estimation; for it is in evidence before the country, unimpeached and uncontradicted, that the great senator of New York had the whole matter submitted to him, and only whispered back, in response, that he had better not been told. He has boldly announced an irrepressible conflict between the free and slave States of this Union. These seditious phrases, "higher law" and "irrepressible conflict," warrant and invite the construction which the prisoner and his young deluded companions placed upon them. Yet they are either in chains, with the frightful gibbet in full view, or sleep in dishonored graves, while the apostle and master spirit of insurrection is loaded with honors and fares sumptuously every day. Such is poor, short handed justice in this world.

An old man, and for long years a member of the National Congress from Ohio, next shall testify here before you that he taught the prisoner the terri-

ble error which now involves his life. Servile insurrections have forever been on the tongue and lips of Joshua R. Giddings. He says: "that when the contest shall come, when the thunder shall roll and the lightning flash, and when the slaves shall rise in the South in imitation of the horrid scenes of the West Indies, when the Southern man shall turn pale and tremble, when your dwellings shall smoke with the torch of the incendiary, and dismay sit on each countenance, he will hail it as the approaching dawn of that political and moral millenium which he is well assured will come upon the world." The atrocity of these sentiments chills the blood of honest patriots, and no part of the prisoner's equals their bloody import. Shall the old leader escape and the young follower die? Shall the teacher whose doctrines told the prisoner that what he did was right, go unscathed of the lightning which he has unchained. If so, Justice has fled from her temples on earth, and awaits us only on high to measure out what is right between man and man. The men who have misled this boy to his ruin shall here receive my maledictions. They shrink back from him now in the hour of his calamity.— They lift up their hands and say—amen! to the bloody spectacle which their infernal orgies have summoned up. You hear them all over the land ejaculating through false, pale, coward lips, "Thou can'st not say I did it," when their hands are reeking with all the blood that has been shed, and which yet awaits the extreme penalty of the law. False, fleeting, perjured traitors, false to those who have acted upon your principles, false to friends as well as country, and perjured before the Constitution of the Republic—ministers who profess to be of God who told this boy here to carry a Sharpe's rifle to Kansas instead of his mother's Bible—shall this jury, this court, and this country forget their guilt and their infamy because a victim to their precepts is yielding up his life before you? May God forget me if I here, in the presence of this pale face, forget to denounce with the withering, blighting, blasting power of majestic truth, the tall and stately criminals of the Northern States of this Union.

The visionary mind of the prisoner heard from a member of Congress from Massachusetts that a new constitution, a new Bible, and a new God were to be inaugurated and to possess the country. They were to be *new*, because they were to be anti-slavery; for the old Constitution, and the old Bible, and the God of our fathers, the ancient Lord God of Israel, the same yesterday, to-day and forever, were not on the side of abolitionism. Is there no mitigation for his doom in the fact that he took his life in his hand, and aimed at that which a coward taught him, but dared not himself attempt. Base pusillanimous demagogues have led the prisoner to the bar, but while he suffers—if suffer he must—they, too, shall have their recreant limbs broken on the wheel. I will not leave the soil of Virginia, I will not let this awful occasion pass into history, without giving a voice and an utterance to its true purport and meaning, without heaping upon its authors the load of execration which they are to bear henceforth and forever. Day after day and year after year has the baneful simoon of revolution, anarchy, discord, hostility to the South and her institutions, swept over that section of the country in which the lot of the prisoner has been cast. That he has been poisoned by its breath should not cut him off from human sympathy; rather should it render every heart clement toward him. He never sought place or station, but sought merely to develop those doctrines which evil and traitorous persons had caused him to believe were true. Ministers, editors, and politicians—Beecher, Parker, Seward, Giddings, Sumner, Hale, and a

host of lesser lights of each class—who in this court-room, who in this vast country, who in the wide world who shall read this trial, believe them not guilty as charged in the indictment in all the courts, to a deeper and far more fearful extent than John E. Cook. Midnight gloom is not more sombre in contrast with the blazing light of the meridian sun than is the guilt of such men in comparison with that which overwhelms the prisoner. They put in motion the maelstrom which has engulfed him. They started the torrent which has borne him over the precipice. They called forth from the caverns the tempest which wrecked him on a sunken reef. Before God, and the light of Eternal truth, the disaster at Harper's Ferry is their act, and not his. May the ghost of each victim to their doctrines of disunion and abomination sit heavy on their guilty souls! May the fate of the prisoner, whatever it may be, disturb their slumbers and paralyze their arms when they are again raised against the peace of the country and the lives of its citizens! I know by the gleam of each eye into which I look in this jury-box, that if these men could change places with young Cook, you would gladly say to him, "Go, erring and repentant youth, our vengeance shall fall on those who paid their money, urged on the attack, and guided the blow."—Let me appeal to you, gentlemen of the jury, in the name of Eternal truth and everlasting right, is nothing to be forgiven to youth, to inexperience, to a gentle kind heart, to a wayward and peculiar though not vicious character, strangely apt to be led by present influences? I have shown you what those influences, generally, and specially, have been over the mind of the prisoner. I have shown you the malign influence of his direct leader. I have shown you, also, the "false and malignant counsels" in behalf of this sad enterprise, emanating from those in place, power and position. It might have been your prodigal son borne away and seduced by such counsels, as well as my young client. Do with him as you would have your own child dealt by under like circumstances. He has been stolen from the principles of his ancestors and betrayed from the teachings of his kindred. If he was your own handsome child, repentant and confessing his wrong to his country, what would you wish a jury of strangers to do? That do yourselves. By that rule guide your verdict; and the poor boon of mercy will not be cut off from him. He thought the country was about to be convulsed; that the slave was pining for an opportunity to rise against his master; that two-thirds of the laboring population of the country, North and South, would flock to the standard of revolt; that a single day would bring ten, fifty—yea, a hundred thousand men—to arms in behalf of the insurrection of the slaves. This is in evidence. Who are responsible for such terrible false views? and what kind of a visionary and dreaming mind is that which has fatally entertained them? That the prisoner's mind is pliant to the impressions, whether for good or evil, by which it is surrounded, let his first interview in his prison, with Gov. Willard, in the presence of your senator, Col. Mason, bear witness. His error was placed before him. His wrong to his family and his country was drawn by a patriotic, and, at the same time, an affectionate hand. His natural being at once asserted its sway. The influence of good, and not of evil, once more controlled him as in the days of his childhood; and now here before you he has the merit at least of a loyal citizen making all the atonement in his power for the wrong which he has committed. That he has told strictly the truth in his statement is proven by every word of evidence in this cause.

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